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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,444	01/31/2000	Mahesh B. Bhuta	CM02999J	3427

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EXAMINER

NGUYEN, TU X

ART UNIT

PAPER NUMBER

2684

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/494,444

Applicant(s)

BHUTA ET AL.

Examiner

Tu X Nguyen

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 25-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-23 and 25-28 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

**Examiner comments**

Claim 24 is missing.

***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 18, 25 and 28 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 6-14, 16, 23-25, and 27-28, are rejected under 35 U.S.C. 103(a) as being unpatentable over Slotznick (US Patent 6,011,537) and further in view of Marcrae et al. (US Pub. 2003/0005463).

As to claims 1, 18, 25 and 28, Slotznick discloses a system for the wireless transmission and receiving of commands and information for display by the receiver in response to the commands, comprising:

- a. a receiver (204, fig.11);
- b. a transmitter (202, fig.11);

c. said transmitter including an encoder (inherently) for encoding (see col.7 lines 1-2) into a data packet graphical image data (see col.8 lines 59-60) and the display of said graphical image data (see col.8 line 44 through col.9 line 20), "frames" reads on "data packet" with broadest interpretation;

d. said transmitter including a wireless transmitter for wireless transmission of said data packet to said receiver (46, fig.3);

e. said receiver including a wireless receiver for wireless receiving of said data storing said data in said data packet (see col.15 lines 14-30);

g. a controller electrically coupled to said memory (218, 208, fig. 11);

h. a display connected to said controller (214, fig.11);

i. said controller (208) in response to said image and said at least one command in said data packet dynamically displaying on said display said image represented by said graphical image data (see col.8 lines 30-67).

Slotznick fails to disclose at least one command in data packet displaying on said display.

Marcrae et al. disclose at least one command in data packet displaying on said display (see paragraph 034). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Slotznick with the above teaching of Marcrae et al. in order to provide embedded instructions for formatting the text and graphics, and base in part upon the requirements for aesthetic and efficient display of the information on the particular viewing devices

As to claims 2-3, 6, 9 and 19-20, the modified Slotznick discloses said controller modifies said image and displays said images as a series of space related images (see Slotznick, col.11 lines 64 through col.13 line 33).

As to claims 7, 10-11 and 23, the modified Slotznick discloses at least one command in said data packet is for display of said image at predetermined intervals of time (see Macrae et al., paragraph 0025).

As to claim 8, the modified Slotznick discloses at least one command in said data packet is for the display of said image at predetermined times of the day (see Macrae et al., Par. 0054).

As to claims 13-14, Slotznick the modified discloses at least one command is for the removal of said graphical display data at a predetermined time (see Macrae et al., par. 0025).

As to claims 16 and 27, the modified Slotznick discloses said transmitter includes a data base of attributes for respective receivers and said controller is connected to said data base for identifying a respective attributes and including in said data packet a predetermined command in response to said respective attribute (see Slotznick, 15 line 37 through col.16 line 60), the examiner interprets "cookie" correspond to attribute.

4. Claims 4-5, 15, 21-22 and 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Slotznick and further in view of Diachina et al. (US Patent 6,577,618).

As to claims 4 and 21, Slotznick fails to disclose a transmitter controller for transmitting to said transmitter a request signal to establish a communication channel.

Diachina et al. disclose a transmitter controller for transmitting to said transmitter a request signal to establish a communication channel (see col.3 lines 1-19).

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Slotznick with the above teaching of Diachina et al. in order to provide connectionless packet data to allow the communication system to interrupt the transmissions from mobile station.

As to claims 5, 15, 22 and 26, the modified Slotznick discloses said transmitter controller queries the state of said receiver to determine if said receiver is in an idle or busy mode and transmits said data packet to said receiver in response to an indication said receiver is idle (see col.6 lines 16-23).

#### ***Allowable Subject Matter***

5. Claim 17 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is an examiner's statement of reasons for allowance:

As to claim 17, none of prior art teaching disclose "said data packet includes a repeat command and said receiver controller repeats the display of said image in response to said repeat command" as cited in the claim.

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### Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, MAUNG NAY A, can be reached at (703) 308-7749.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN

July 7, 2003

  
NAY MAUNG  
PRIMARY EXAMINER